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A Just and Modest
VINDICATION
OF HIS
ROYAL HIGHNESS
THE
Duke of YORK:

In Observations upon a late Revived Pamphlet, Intituled,
A WORD WITHOUT DOORS.

WHEREIN
The Reasons and Arguments of that
AUTHOR, are Considered and
Examined.



L O N D O N,

Printed for *Thomas Benskin* in *Green's Rents*, near *Fleetbridge*.

M. DC. LXXX.

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Observations upon a Pamphlet, Intituled, *A Word without Doors*, &c.

IT is now about a Year since, I hapned to meet with a Pamphlet, called, *A Word without Doors*: And because I found it very much commended, I read it over, but could not discover any thing of so great worth, as the World's praises gave me cause to expect; Those strong Conclusions, those invincible Arguments which the World cried it up for, I confess, I could not find out. However, I did not wonder that most Men esteemed it; it is no new thing to Man, to take every little Image, or appearance of an Argument, which tends to prove that which he desires, for unanswerable Conclusions. Now the greater part of this Nation, though perhaps not the wiser, and I think, not at all the honestest, earnestly desire the Exclusion of his ROYAL HIGHNESS, and therefore cannot but approve any thing that seems to open them a way to it, by removing not only the difficulty, but the seeming injustice of the action. This Pamphlet having read, I threw by, where it still had laid, if the restless temper of evil-minded Men had not revived it to the World against the coming of the Parliament, as if they meant thereby to recommend to this House of Commons, the undertaking of that very thing which was, perhaps, the great, if not the Only Cause of the Dissolution of the other. By this sober Men will consider, whether the Author and his Abettors do so much desire a Parliament as they pretend, who are so diligent to cast, I may say, a stumbling Block in their way, by thrusting them, as it were, upon a Business, which we have great reason to believe they shall not only not compass, but by the attempting it, may be, shorten their Sessions, and so disappoint themselves

selves and the people of so many good and glorious things they may do for the benefit and satisfaction of all honest Men ; 'twas for this reason that I thought, it might not be amiss to shew the World , That there are no other directions in that adored Pamphlet, that do either justify the Bill for Succession, or facilitate the passing of it, than there was in every Mans understanding before.

Not to speak any thing of the Author, (for I intend not Reflections) I do believe him a Member of the late House of Commons : For the Matter of his Book, a Man may consider it under these three Heads,

First , Some Positions or Principles on which he builds and from which he derives the very foundation and being of Civil Government.

Secondly, The justness and force of his Arguments to prove his main end, viz. *The Lawfulness of Disinheriting a Prince, if the Good of the People require it.*

Lastly, I shall observe the Examples he alledges how far they make for his purpose.

And now first, for his Principles of the Original and Continuance of Government, pag. 3. he says, *That the inclination of mankind to live in company did proceed of nature, and so of God the Author of nature ; and that the jurisdiction of Magistrates in general is also of God, and ordained by him for the common good of mankind :* But then he adds, *That the particular Forms of Government in this or that manner, to have many, few, or one Governor, or that they should have this or that Authority, more or less, for a longer or shorter time, or whether ordinarily by Succession or by Election , all these are ordained and diversified by the particular positive Laws of every Countrey , and are not establisht by either Law natural or divine, but left by God to every Nation and Countrey, to pitch upon what Form of Government they shall think most proper to promote the Common Good of the whole, best adapted to the natures, constitution, and other circumstances of the people,*

people, which accordingly for the same reasons may be altered or amended in any of its parts, by the mutual consent of the Governors and governed, whenever they shall see reasonable cause so to do. Thus far our Author. And now what may we conclude from this? That which no Man did ever deny, that Government and Authority is of God, but the several particular Forms in the several Nations and Countries of the Earth, are of Men, and therefore alterable by them. as he says well, *By the consent of the Governors and governed.* Was there ever any thing more reasonable than this? or was this ever questioned by any man? Surely we all know that the KING, with His Two Houses, may direct the Succession of the Crown, but their consents must then be had, *that of the Governor, as well as of the governed*; that is, the consent of the KING, as well as that of His People in Parliament: so that all his matter is no more than this, That the Bill for Excluding His ROYAL HIGHNESS is not in itself unlawful, because by possibility it may become otherwise, *viz.* by gaining the Royal Assent, which we agree; and wish men would rest satisfied till that Assent be gained, to which it is most reasonable we should all submit: And indeed when the KING by Act of Parliament shall have declared another Successor, I shall as readily and willingly obey Him then, as till then I think myself obliged in Duty and Conscience to adhere to the Right Heir. And what likelihood there is of gaining the Royal Assent to such a Bill, (after such repeated Declarations, such large and Royal Proffers from His MAJESTY, as never yet were made by any King to His Parliament, provided always that they disturb not the Succession and Descent of the Crown in the Right Line) or what reason men can have to imagine that they may get more, (as some men upon base and ignoble ends have imagined) is not only not understood by me, but I do think the grounds of their hopes as unreasonable as they are unkind; but not to mention the strange advantages some men do conceive from the prevailing present necessity of His MAJESTIES Affairs, a matter not fit for our handling, return we to our Author.

As I allow him the particular Forms of Government to be of men, by God's permission, and therefore alterable by them whensoever they shall agree so to do: So I trust it will be granted that those particular Forms, made for the general good, pursuant to the principles of man's nature, and God's intention, become so sacred, that they are not to be touched or invaded by any part of a people under a Government, be it what it will. Now the particular Government of *England* is a successive and hereditary Monarchy, directed and maintained by most excellent Laws, which to alter or destroy in any part of it by any number of men, were, by the Laws of the Land, the very highest offence, nay, the very attempt or design of such a thing, in the judgment of Law worthy the highest punishments; for as it is true, that by the permission of God several Nations have pitched upon several Governments, so it is as true, that when they are once settled, be they what they will, they must be obeyed and complied with. Now then in *England* the Government is in Kings Hereditarily, who, though they can make no Laws, (there's the peoples happiness) yet can none be made without them, (there's the Princes Prerogative;) nor can any thing, though past both Houses, without such Assent, have the force and effect of a Law. The King's breath, like the Almighty's, once quickens and gives life to that which before was but a dead Form; If then the KING be (as I think no man dares question it) our Lawful and Rightful Sovereign, it is no hard matter to find out His Right Heir; who is not, I think, disabled, by any Law yet in being, to succeed for any cause whatsoever, unless the Heir should prove to be a Natural, and so incapable of governing. If any offence should disable a Right Heir, surely it should be Treason; yet though such an Heir were convicted and attainted of Treason, if betwixt the Attainder and Execution the King should dye, the Attainder, *ipso facto eo instante*, is reversed, in judgment of Law, and such would become King *de jure & facto*; so that I think we are in this agreed, That a Right Heir to the Crown of *England* may be set aside, *concurrentibus his qui in jure requiruntur*, and those he tells us, are the Governor and the governed,

governed. There is then a possibility of doing it lawfully, there is one way and but one; and as I allow, it were not unlawful if it were so done, so he must allow me, that till that be done, it is and always will be unlawful; and perhaps even after that severe; for there are, no doubt, several very worthy persons who possess large Estates in Church-lands, which may by Act of Parliament be took from them, yet would they think it hard measure if they should; and yet it is strange men should think that hard measure and injustice, if done to them, which themselves think most fit and reasonable to offer to others: And surely His ROYAL HIGHNESS has every whit as good Right and Title to the Crown, should the KING dye without Issue, as those worthy persons can possibly have to their Inheritances: If there be any difference, it is this, That the DUKE's Right is much more ancient than theirs, who can Claim from as many hundred years as they can generations, and much more. I have often observed with scorn and indignation, the inclination of most men to speak evil of Dignities, even such, whose desperate Fortunes render them incapable of sustaining a loss, have an ill word for the Duke; make more against him, in some mens judgments, than all his Personal Services, his Quality, Right of Blood, his Brother's Virtues, his Father's Memory and Merit, and a Rightful Title from above 600 years can do for him.

But come we now to the second thing, the Argument he uses: And first let us observe, that the thing he endeavors to prove, is, *That it is lawful to disinherit a Prince, if the general good of the People require it.* To which I have but two words to say; that is, That if he mean, he may be disinherited by the consent of KING and People, we have allow'd it before; if he mean otherwise, he argues against that which he himself has set down before as a Principle, but what, and how far does he extend the word *Prince*, to an Heir apparent only? For it may as well include a Prince Reigning, who by his Rule might be deposed and removed, when ever the giddy-headed multitude should fantasie it to be for their good; and who shall tell them it is not so, if they believe it? Who shall persuade, or rather convince the multitude, that they
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are in the wrong? it were a less task to repeat *Hercules* labors: This then is a dangerous Position, and may be of infinite ill consequence; nor does it excuse him, to say he lays the power in the Governor, that is the King, as well as in the people that are governed, and that therefore the King can be in no danger; for the People was ever but too apt to forget the first part of his Maxim, and to exercise their own power to the prejudice of the Governor; and that this has been practised, and in our memory, we have all too great and sad cause to remember. One of his Arguments is, *That the same people at different times have had different Forms of Government*; and this is true, but I do not see what that makes for him: For if those different Forms of Government were brought in by a full consent of all persons concerned, it has been agreed before; if otherwise, that such things have been done, is no Argument that they were justly and lawfully done. He does not shew that the Authors of such change did well in so doing, though God might make use of their Evils to work good out of; for if he be pleased for the correction of the Prince, or punishment of the People, to suffer Princes to be removed, and others to be placed in their rooms, either by the Factions of the Nobility, or Rebellion of the People, in all such cases the judgment of God, who hath power to give and to take away Kingdoms, is most just; yet the Ministry of Men, who execute God's judgments without Commission, is sinful and damnable, God doth but turn and use Mens unrighteous Acts to the performance of his righteous Decrees. *The Jews*, he says, *had once no Kings, and they would have Kings, and bad*; What then? Did they do well to alter the Government? No surely, though the secret purpose of God's Eternal Decrees were served and compassed by that change, yet the desire of alteration was in them a sin, and a great one; which no man can doubt that has read *Samuel's Story*. *Is it not wheat harvest to day, I will call upon the Lord, and he shall send thunder and rain, that ye may perceive and see that your wickedness is great which ye have done in the sight of the Lord, in asking you a King*. And again, the People confess in altering the Government they had sinned, for presently upon the

the Thunder and Rain, they tremble and cry out to *Samuel*, *That he should pray for his servants to the Lord his God that they died not, for they had added unto all their sins the evil to ask for a King*; so that though he makes use of their asking a King, as an Argument for his asserting the Lawfulness of altering Governments when the People require it, I do think that God himself declares that it was a sin in them, and yet they thought they did for the best, and that the general good of all; it is plain they did it for that reason, and offer it for their reason to *Samuel* of their request, for it was that they might have one to judge them, like other Nations, that he might go before them, and fight their Battels; that is, defend and save them from their Enemies, to whom the old age of *Samuel*, and the ill government of his Sons exposed them so often. When then may a people expect to change a Government lawfully, if the *Jews* in this case did not? Surely if ever an alteration by a people might be justified or excused, it should be here, where they desired to bring in a Government which had before been determined, in the secret Counsel of the Almighty, they should one day have, and which for special reasons and purposes must of necessity have been one day imposed upon them; yet because their intention was not to serve God's great and hidden purpose, but their own inclinations, it was criminal in them, but in their next generation, a just duty to own and obey that power their Fathers had wickedly introduced; for when a people innovate in the Government they do ill, but the next generation may and ought to continue it, as well for that they know no other, as for that to discontinue it, were in them another Innovation. What has been said of the *Jews*, is true of the *Romans*, and all other Nations; God often permitted them to alter the Government, but it does not therefore follow, that it was lawful so to do, though our Author seems to justify them, because they prosper'd in it, which is a strange argument; I was yet to learn, that matter of Fact was an argument or proof of matter of right, that is to say, that the successful event of things was to be the rule and measure of our judgments, as to the equity and justice of them, true it is, the

world judges so ; but the wise, learned and honest, have ever exploded it, and surely with great reason : For what a world should we soon have, if it were once granted that a thing is lawfully done, because luckily effected ; at that rate, he that called himself a Dog, as deserving that name, (if he could be capable of those Evils the Prophet told him he should do, and which he trembled to hear) might have triumph'd after the execution of them. *Ahab* too was surely an honest man, and had good right to the Vineyard because he got it ; surely if our Author had well consider'd the consequence of this Argument, he would have left it out ; he has forgot, no doubt, it was the very Argument made use of within the memory of man, by a number of as great Villains as ever lived on Earth , for the justifying of as great a wickedness, as saving one, story ever told or people heard of : But let us now look upon the Examples he cites, and the Reader will then find I do not wrong him, in charging him with the last Argument. His first Example is *Jeroboam*, who being displeased with the King, with five sixth parts of the people set up a new Kingdom ; indeed he has been so kind to set down the answer to it , it was by particular approbation from God : *Return every man to his house, for this thing is of me, saith the Lord.* It was lawful till then for *Rehoboam* to raise an Army for the reducing the Rebel to his duty, but after such a declaration, it had been the highest impudence, folly and impiety to have thought of it. If the late Tyrant that made such a noise in the world, could have shewed the same warrant, how unjustifiable had then been all the honest and dutiful Endeavors of so many loyal and faithful Subjects for his ruine. It was never doubted sure, but that the Will of God over-rules and justifies the Acts he wills: without such a command it had been a sin in *Jehu* to kill his King, the Royal Strumpet knew so much, and could tell him so, *Had Zimri peace that slew his Master ?* No, but he alone that commanded the Fact could justify it ; I do think therefore our Author concludes ill in his 5th page, *That since God did permit and allow this in his own Commonwealth, (which, he says, was to be a pattern for all others) no doubt he*
will

will approve the same in other Kingdoms, whenever his service and glory, or the happiness of the Weal Publick shall require. Is not this to argue *a particulari ad generale*? because once God for special Reasons permitted a Rebellion, which without his Declaration to have approv'd it, had been a sin for *Jeroboam* and all his Followers to continue it; therefore without any such evidence of his good liking, no doubt for the future, in other Kingdoms, the like may be practis'd, if the people shall judge God's glory and their own good to require it, that is the plain and necessary inference of his Argument.

The next Example, is that of the Children of *Don Alonzo*, Prince of *Spain*, who, after their Father's death, were set aside, by consent of the States, and the King their Grandfather, for their great Uncle; but this is no more than before is granted, that the King and Parliament may declare and appoint a Successor.

The third is of *Hugh Capel*, chosen to the prejudice of *Charles*, which no doubt was an injurious Act, though done in a full Assembly of the States, and though he seemed to have forsaken them, by forsaking the virtues and customs of his Countrey, to adhere to its ancient Enemies the *Germans*, yet the comparison those States made of themselves to a Pilot, is not according to the wisdom of so great an Assembly; for though Men ought to get an able Pilot, yet if the Master of the Vessel be not such in your esteem, they ought not to thrust him out for another, without compounding with him for the right he has to the Vessel; and what composition shall be given to a Prince? what shall be given him in lieu of a Kingdom?

Our Author is now come to Home-Presidents, which will be the clearer, because we suppose our Countreymen to be better read in their own Story.

The first is the 2d Son of the Conqueror, getting the Crown by Assent of Parliament, his elder Brother being then busie at *Jerusalem*; and 'twas indeed a pretty return for a Christian State to rob a Prince of his Right, because he was exposing his life to enlarge the bounds, and to increase the glory of *Christendom*, a very excellent President.

Next, He cites *Henry* the younger Brother, who having no right, God did so prosper him as to beat his eldest Brother, therefore he concludes it was lawful to disinherit him; God suffer'd him to pull out his eyes too, but I dare not therefore believe he approved the cruelty.

Another he brings, of receiving *Stephen* to the prejudice of *Henry* the 1d of that name, but that, it seems, thrived not so well; surely God gave visible proof of his disliking it, since he suffer'd it to be a means to well nigh ruine the Kingdom, which was at last preserved by a Parliament, restoring all to right, and declaring young *Henry* Successor, which *Stephen* was forced to join in to the Exclusion of his Son; and had it not been better never to have wrong'd him, than for your own sakes to be forced to do him right? And these are our Author's Examples, which how much they make for his purpose, whether they are of sufficient authority to determine so great and so important a matter as a Right to a Crown, I leave to the judgment of every impartial Reader.

The thing he first desires to have granted, is the lawfulness of altering Government by the King, Lords and Commons, and that was never a question as I know, or have heard; yet whether ignorantly, or designedly, I know not. He mentions no Presidents, save that of the *Spaniard* onely to that purpose, the rest, are ill Presidents of Princes injuriously and causelessly disinherited by the States onely, and not by King and States, out of which a reflecting spirit might conclude, That though he colour his design with the specious title of King, Lords and Commons, yet that he would gladly persuade the people that they alone may do it, because by many ill Examples it appears they have done so; and this we might have more reason to believe, for that in his 8th page he says, *Thus did the Parliament dispose of the Crown in those days*; so that the authority and assent of the King is but for fashion-sake.

Now though it appears that either he has set down a Maxim never questioned, and therefore not to be proved, in laying such power in the King and His two Houses, or else disguised another, which

which with all his Examples he has not made out, so that I might very well end here; I yet do think it not amiss to set down some Examples of as good Authority I am sure, and nothing less to the purpose of the other side, to prove, *That how though a people stir and torment themselves never so much, God, who neither can do, nor will suffer wrong, has still brought things about, and either made right take place again, or if for hidden causes he has suffer'd them for a time, has yet at last, by heavy judgments, convinced the world, that he does not approve all that he permits, and that he will surely be avenged on them, who injure even the Divine Majesty, by stamping their own wicked deeds with a pretended approbation from Heaven.*

Begin we with the greatest Man that perhaps ever lived, *Julius Caesar*, one, to whom the State was as much bound to as any man; one attended with continual and wonderful success while he obey'd the Government he was born under; no sooner had he alter'd that, scarce warm in his ill gotten Empire, while he was yet imagining those vast Enterprises of compassing the world with his Armies, met the reward of his injustice in that very place, and from those very men where and with whom he had all the reason in the world to think himself most secure.

If ever people had or could have cause to remove a Prince, sure the *Romans* might have done *Nero*, yet what vengeance follow'd him that serv'd them in it *Galba*, how sad and sudden was his destruction, the Histories of that great people do sufficiently inform us. Innumerable are the Examples abroad, but let us see at home.

The Conqueror himself, though he died possessor of the Crown which he had won, was yet, for the many alterations he made in the Church and State, so perplexed at his death, and had so strange a sense of it, that he durst not bequeath it to any of his children, believing that divine vengeance would follow them for his Crimes, and so it did, as we shall shew anon; and yet who, if a Conqueror may not, who then shall venture upon Innovations? His Sons, for the wrong done to *Robert* their elder Brother, or rather *Henry*, for *William* had it from his Father, escaped

not

Not justice from Heaven, and dyed a violent death. And no less evident was that justice, when a King must disinherit his own beloved Son, and join with a Parliament, to acknowledge and pay a young Boy his Right, to which natural affection and thirst of Empire must give way.

The Parliament, at the request of *Henry* afterwards the 4th of that name, deposed *Richard* the 2d, and what was *Henry's* and that Kingdoms reward, a life in continual jeopardy, always fearing, always troubled, continually in War, Rebellions great and frequent, that shook the very Crown of his Head: and by whom did Heaven do this? by those very men who had lifted him to the top of his ambition and power, with the forfeiture of their duty and conscience, making them also to perish in the action, giving them the reward of Traytors for their first villany: But ere we leave this Prince, I shall observe what opinion he himself had of his Right, though he had an Act of Parliament joined with his nearness of blood for't, however living he carried it, at the approach of death he begins to question whether he had done well, that is, whether the people of *England* could remove his Cousin, and give him the Crown, and owns his just doubt to his Son with grief, and no doubt with much concern and perplexity of mind. Now though he dyed in his Bed, and his Son after him, yet was his Sons life short, the first part filled with follies, and the latter with troubles, in the very entrance upon the Throne hardly escaping a violent death, which however reacht his Son after him, who was the visible unfortunate Object of God's justice, for the sins of his Grandfather, for being full of virtue, goodness and piety, we cannot imagine his own sins pulled on his head so many judgments, a long and miserable life, despised and neglected at home, conquer'd and thrust out of all abroad, still in War, because he loved Peace; always a loser, in every thing unfortunate; and those losses coming upon him by degrees, till from one to another, like *Job's* calamities, the last (save his own) was the loss of his Sons life, more than once deposed, twice imprisoned, and at last murdered.

The Parliament impowered *Henry* the 8th to appoint a Successor by will, if he had no Issue by his third Wife; by the same power his two Daughters were disinherited; yet God in due time made way for both; and what was the end of those men, who by a Will of *Edward* the 6th, would have set them aside? yet had they much colour for so doing; for they had been so already by Act of Parliament past 228. of *Henry* the 8th, which Act was indeed repealed by a subsequent 35. of the same King; but the latter Act was full of Proviso's, Conditions and Limitations, and the Interest and Estate of the two Princesses in the Crown, made subject to the last Will of that King, or his Letters Patents; add to this, that the colourable pretence of saving Religion, which same, to necessitate their actions, and therefore if it not justifie, might at least help to palliate and excuse them. Their end was violent: *Northumberland* and his Party fell by the Sword, because they would not know and follow the waies of Peace and Right; and what was unhappy, though most just with them, perisht the Lady *Jane Grey*, and her Husband, who had no other fault, but that of too great an obedience to their Father's wills and pleasures; and in the punishment of that most excellent Princess, surely God taught the world, that not even the glorious pretence of Religion (which must needs, and did perish, when the right Heir gotten) though strengthened by a disinheriting Act of Parliament, and the Will of a just departed Monarch could justifie their Rebellion. Many more presidents I could cite, but I shall conclude with this one, the Restauration of our present Sovereign, which by how much more it was the wonderful effect of an immediate providence, not assisted by the arm of flesh; so much more it is remarkable to prove our purpose, and our position which we laid down a little before, *That whatever a people may do, God will do justice and right to them that suffer wrong.* The latter part of our Author's Book, being an Answer to a Pamphlet I never saw, I can say nothing to; and now if we must end, we will do it with a line of his own Book, which he sets down as a false, but we as a true Principle, *That Monarchy is of Divine Right; and that Princes in England succeed by nature and generation only, and not by authority,*

ty, admission or approbation of the people. For further Information I refer the Reader to Sir *Robert Philmer's* Political Discourses: And now before I conclude, I would have no man to think that I do in all this design, to lessen or disparage the Authority of a Parliament: I have for those two Houses the highest veneration imaginable, and own them joyned with Majesty, to be my lawful Governours: Nor would I have any man believe that I either profess or affect the ~~common~~ Catholick Religion: There's *Rom* no man does more ardently desire to see the same Religion now establish'd by Law, continued and secured to us and our posterity together, with the King's Person, and the establish'd Government, than myself; and it is that which will be worthy of the cares and pains of a Parliament, to provide for by the most effectual means, alwaies provided they be such as may neither disparage the grave wisdom, nor swerve from the High Justice of that great and August Assembly; for surely a good end must be compass'd by like means, else all is naught, there being nothing more sure than that the unlawful means corrupt and destroy that good end which they lead to; and this is that which a Parliament may, and I hope, will look to when they sit, which no doubt they had long since done, if by the unreasonable malice of some, and mistaken measures of others, fears and jealousies had not been carried and fomented to that degree, that the interest of our King and his People seem'd not to be the same it ever was, and I trust ever shall be a good understanding betwixt both: Which that it may be increas'd, and for ever continue, ought to be the prayer of every good English man.

FINIS